

EX PARTE OR LATE FILED

ANN BAVENDER\*  
HARRY F. COLE  
ANNE GOODWIN CRUMP  
VINCENT J. CURTIS, JR.  
PAUL J. FELDMAN  
FRANK R. JAZZO  
M. SCOTT JOHNSON\*  
EUGENE M. LAWSON, JR.  
MITCHELL LAZARUS  
STEPHEN T. LOVELADY\*  
SUSAN A. MARSHALL  
HARRY C. MARTIN  
ALISON J. MILLER  
LEE G. PETRO\*  
RAYMOND J. QUIANZON  
MICHAEL W. RICHARDS\*  
JAMES P. RILEY  
KATHLEEN VICTORY  
JENNIFER DINE WAGNER\*  
LILIANA E. WARD  
HOWARD M. WEISS

\*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

RETIRED MEMBERS  
RICHARD HILDRETH  
GEORGE PETRUTSAS  
CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYS  
U. S. AMBASSADOR (ret.)

OF COUNSEL  
DONALD J. EVANS  
FRANCISCO R. MONTERO  
EDWARD S. O'NEILL\*  
ROBERT M. GURSS\*

WRITER'S DIRECT

703-812-0453  
petro@fhhlaw.com

ORIGINAL

June 7, 2004

RECEIVED

JUN - 7 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**By Electronic Filing**

Marlene Dortch, Esquire

Secretary

Federal Communications Commission

445 12<sup>th</sup> Street, S.W.

Washington, D.C. 20554

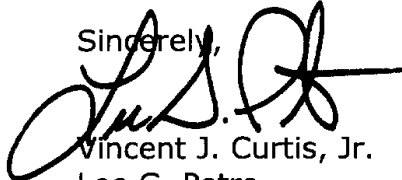
**RE: Notice of Ex Parte Presentation - MB Docket 03-15  
Second Periodic Review of the Commission's Rules  
and Policies Affecting the Conversion to Digital Television**

Dear Ms. Dortch:

On Friday, June 4, 2004, Peter C. Pappas, Executive Vice President for Government and Regulatory Affairs of Pappas Telecasting Company (the "Company") and Vincent J. Curtis, Jr., met with Rick C. Chessen, Associate Bureau Chief of the Media Bureau, Barbara Kreisman, Chief of the Video Division, Clay Pendarvis, Associate Chief of the Video Division, Eloise Gore, Assistant Chief of the Policy Division of the Media Bureau, Bruce Franca, Deputy Chief of the Office of Engineering and Technology, and other members of the Media Bureau, to discuss the Special Submission filed by the Association for Maximum Service Television, Inc., in the above-referenced docket on May 6, 2004, and Comments filed by the Company on June 3, 2004. During the meeting, the attached summary was presented to those in attendance, outlining the Company's position on MSTV's plan.

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, a copy of this letter is being filed with the Commission. Should there be any questions regarding this matter, please contact undersigned counsel.

Sincerely,



Vincent J. Curtis, Jr.

Lee G. Petro

Counsel for Pappas Telecasting Companies

No. of Copies rec'd 0+2  
List ABCDE

**Pappas Telecasting Companies**  
**Comments on MSTV "Special Submission"**  
**Presented – June 4, 2004**

1. Pappas Telecasting Companies ("Pappas") supports the goals identified in MSTV's Special Submission, filed on May 6, 2004, to develop a channel election and spectrum repacking plan to expedite the DTV transition.
2. Pappas owns and/or operates 20 full-power television stations in 16 television markets across the country. A list of those stations, and their network affiliations, is attached.
3. Two major refinements to the MSTV Plan – Based on Comments filed on June 3, 2004.
  - A. Timing of Channel Elections –
    1. The MSTV Plan does not provide adequate time between the election date of the two in-core licensees and the filing of election preferences by licensees with out-of-core channels.
    2. Pappas urges the Commission to require licensees with two in-core channels to make final election of DTV channel first, before any other licensees are required to make election.
    3. By doing so, the Commission will open up the largest number of available channels for those licensees with out-of-core channels.
    4. Pappas believes that all remaining parties, i.e., those with one in-core channel, those with two out-of-core channels, and stand-alone DTV licensees outside of core, should make their elections at the same time.
    5. DTV stand-alone licensees with out-of-core channels have taken the greatest risk in constructing facilities with little incoming revenue or cable carriage rights, and should be placed on same level as licensees with out-of-core analog and DTV channels.
  - B. Resolution of Conflicting Elections
    1. Comparative criteria proposed by MSTV is fraught with potential manipulation, and does not accurately reflect relative contributions and risks faced by licensees.
    2. The criteria will likely lead to further litigation as parties expend valuable time and resources over their relative merits.
    3. Commission should permit parties to resolve competing elections through engineering resolutions and possibly reaching regional solutions.

## **PAPPAS TELECASTING COMPANIES**

Call Sign	NTSC	DTV	City of License	Network	DMA Market
KPWB	23	--	Ames, IA	WB	Des Moines, IA
KAZA-TV	54	47*	Avalon, CA	Azteca	Los Angeles, CA
KAZH	57	41	Baytown, TX	Azteca	Houston, TX
KTNC-TV	42	63	Concord, CA	Azteca	San Francisco, CA
KDMI	--	56	Des Moines, IA		Des Moines, IA
KDBC	4	18	El Paso, TX	CBS	El Paso, TX
WMMF	68	44	Fond du Lac, WI	Azteca	Green Bay, WI
KUNO-TV	8	15	Ft. Bragg, CA	Azteca	San Francisco, CA
KTVG	17	19	Grand Island, NE	Fox	Lincoln, NE
KWNB	6	18	Hayes Center, NE	ABC	Lincoln, NE
KHGI	13	36	Kearney, NE	ABC	Lincoln, NE
WTWB	20	19	Lexington, NC	WB	Greensboro, NC
KXVO	15	38	Omaha, NE	WB	Omaha, NE
KPTM	42	43	Omaha, NE	Fox	Omaha, NE
WSWS	66	31	Opelika, AL	UPN	Columbus, GA
KREN	27	26	Reno, NV	WB	Reno, NV
KFRE-TV	59	36	Sanger, CA	WB	Fresno, CA
KPTH	44	49	Sioux City, IA	Fox	Sioux City, IA
KSNB	4	34	Superior, NE	Fox	Lincoln, NE
KMPH	26	28	Visalia, CA	Fox	Fresno, CA
KAZW-TV	9	--	Walla Walla, WA	Azteca	Yakima-Richland
KSWT-TV	13	16	Yuma, AZ	CBS	Yuma - El Centro

\*-subject to Mexican concurrence.